



W.P. No. 9165 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

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THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 9165 of 2018

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... Petitioner

-vs-

1. The State of Tamil Nadu
Rep. by the Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-9.
2. The Commissioner/Appointment Committee,
Corporation of Greater Chennai,
Ripon Building, Chennai-600 003.
3. The Deputy Commissioner,
Central Region, Corporation of Chennai,
Chennai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of penalty by 3rd respondent made in Order Pa.A.8 Na.Ka.No.A3/3783/2011 dated 10.02.2014, as confirmed by the 2nd respondent made in Po.Thu.Na.Ka.No.E6/18739/2016 dated 08.07.2016 and the order of the 1st respondent in its Government Order (Pa) No.440 Municipal Administration and Water Supply (Na.Pa.4) Department dated 07.11.2017, to Quash the same and consequently direct the respondents 1 to 3 to forthwith extend all service and monetary benefits inclusive of appropriate pension fixation thereto.



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For Petitioner : Mr. S.Thamil Prabhu

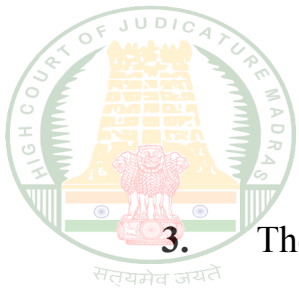
For Respondents : Mr. S.Rajesh,
Government Advocate (for R1)

No appearance (for RR2 & 3)

ORDER

This writ petition has been filed to call for the records relating to the order of penalty by the third respondent made in Order Pa.A.8 Na.Ka.No.A3/3783/2011 dated 10.02.2014, as confirmed by the second respondent made in Po.Thu.Na.Ka.No.E6/18739/2016 dated 08.07.2016 and the order of the first respondent in its Government Order (Pa) No.440 Municipal Administration and Water Supply (Na.Pa.4) Department dated 07.11.2017, to quash the same and consequently direct the first to third respondents to forthwith extend all service and monetary benefits inclusive of appropriate pension fixation thereto.

2. Heard Mr.S.Thamil Prabhu, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate appearing for the first respondent and perused the materials placed on record, apart from the pleadings of the parties.



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3. The petitioner has been charged with the allegations that he was caught

red handed while he was receiving bribe of Rs.2,000/- every month from the Sanitary Workers. After the enquiry, a report has been filed that the charges have been proved against him. The report has been accepted by the disciplinary authority and the disciplinary authority has passed an order of dismissal, which has been upheld by the Appellate Authority and not revised by the Revisional Authority, on the appeal and the revision filed by the petitioner.

4. The learned counsel for the petitioner submitted that the enquiry has been conducted without conducting any oral enquiry and the persons, who have been facing similar allegations, were sent on compulsory retirement and only this petitioner has been removed from service.

5. The petitioner has raised the very same contention in his Revision Petition as well.

6. As the petitioner has been caught red handed while he was receiving the bribe, it is seen that there was no difficulty to prove the charges against him. If the petitioner has not produced any enquiry report or any other documents to show that the enquiry has not been conducted in a proper manner. Even if it is



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presumed that there was no oral evidence, that alone cannot be the reason for setting aside the enquiry report, if the other documentary evidences proved the charges against the petitioner. In the instant case, as stated already, the petitioner has not proved before the Court as to how he was prejudiced during the course of the enquiry. The punishment order passed by the disciplinary authority would show that the petitioner has been given with the due opportunity to submit his explanation and he was also present at the time of enquiry. Only after giving sufficient opportunity, the enquiry was concluded and the charges were held to be proved.

7. In fact, a criminal case has been registered and at the conclusion of the investigation, the criminal action has been dropped and the Director of Vigilance and Anti Corruption has recommended to initiate departmental action against the petitioner. The only grievance of the petitioner is that the co-delinquent by name Karra Venkaiah has also been given with the same charges and he was given with the punishment of compulsory retirement, but the petitioner has been given with the punishment of dismissal from service. The above ground has been raised by him in his Revision Petition. The Revisional Authority has dismissed the revision petition filed by the petitioner on the finding that he has not raised any grounds for revision.



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WEB COPY 8. As the petitioner has raised the ground of disparity in the matter of punishment, I feel that it is appropriate to remit the Revision Petition back to the Revisional Authority to consider it afresh and pass orders.

9. In view of the same, this writ petition is disposed without setting aside the order of punishment but by remitting the revision petitioner alone to the Revisional Authority /first respondent to consider it afresh and then pass orders within a period of twelve(12) weeks from the date of receipt of a copy of this order. No costs.

08.04.2025

Index: Yes/No
Speaking /Non-speaking order
Neutral Case Citation: Yes/No

Maya

To

1. The Principal Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai-9.
2. The Commissioner/Appointment Committee,
Corporation of Greater Chennai,
Ripon Building, Chennai-600 003.



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R.N.MANJULA, J.

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3. The Deputy Commissioner,
Central Region, Corporation of Chennai,
Chennai.

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Dated : 08.04.2025